

4-6-1987

## DOC 1986-06 Student Disciplinary Records Policy

University of Dayton. Student Academic Policies Committee

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University of Dayton. Student Academic Policies Committee, "DOC 1986-06 Student Disciplinary Records Policy " (1987). *Senate Documents*. 163.

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PROPOSAL TO THE ACADEMIC SENATE

TITLE Student Disciplinary Records Policy

SUBMITTED BY Student Academic Policies Committee of the Academic Senate

DATE April 6, 1987; November 19, 1987; January 8, 1988

Indicate the action required: Legislative, Concurrence, or Consultative, and refer to the appropriate reference in the Senate Constitution (Article IIB, 1, 2, 3).

ACTION IS: Legislative REFERENCE IS: Article II, B, 1

DESCRIPTION OF PROPOSAL: State objectives, rationale, and how proposal is to be implemented

This policy change has been proposed by Dr. William C. Schuerman, Vice President of Student Development, to create a more effective deterrent for students who might commit serious violations of university policy that would result in suspension or dismissal. The policy requires a notation of the disciplinary actions of suspension or dismissal be attached in an addendum to the transcript. This document was generated after discussion with the Academic Deans and the Student Academic Policies Subcommittee of the Academic Senate.

The new policy will be implemented jointly by the Office of Student Development and the Office of the Registrar.

The policy of the University of Dayton regarding student disciplinary action and subsequent documentation with the student's academic transcript shall be published in the Bulletin and the Student Handbook. The policy will be stated in each document as follows:

Disciplinary records of students shall be maintained by the University's Office of Student Development for two years after graduation of the student from the University at which time they will be destroyed. These records are released only by the written consent of the student. This will not be documented in any way on or with the student's transcript.

An exception will be made to this policy, however, in those instances where formal proceedings resulted in a student's disciplinary suspension or dismissal from the University. In such cases, addendum will be attached to the student authorized release of the academic transcript with the following statement:

" (Student) . . . was (suspended)(dismissed) from the University of Dayton beginning (Date: Mo/Day/Year) and reinstated (Date: Mo/Day/Year). This action was taken as a disciplinary measure."

The Office of Student Development will be responsible for issuing the statement and the Registrar will be responsible for attaching the statement to the transcript. The addendum to the transcript will remain attached to the student's academic record for a period of two years after graduation or five years after the offense, whichever is less and will be included with a student authorized release of an academic transcript.

The Office of Student Development is responsible to destroy the record of the disciplinary action and to inform the registrar to remove the addendum to the transcript.



# *The University of Dayton*

January 12, 1988

TO: Members of the Academic Senate

FROM: Student Academic Policies Subcommittee

SUBJECT: Senate Document No. 86-6, Student Disciplinary Records Policy

Enclosed you will find information about two agenda items for this Friday's Academic Senate meeting. Document No. 86-6 is the Student Disciplinary Records Policy. Also enclosed are two alternative attendance policies for your review. Your reaction and comments are encouraged for the discussion.

## DRAFT

This is a draft of the letter to the Academic Senate concerning the Attendance Policy.

The Student Academic Policies Committee has devised two alternative policy statements regarding the Attendance Policy. The first alternative eliminates the exclusive freshman attendance policy and clarifies the attendance policy for all students. The second alternative includes the existing freshman attendance policy and clarifies the attendance policy for upperclassmen. Both alternatives are complete replacements to the present policy.

### Alternative 1

It is desirable for students to attend all classes. Listening to the lectures of instructors and being involved in classroom discussions should (1) provide guidelines and goals in the course of study, thus lending direction to the study activities of the student; (2) provide instances of the way of thinking and methodology employed by an academic discipline in formulating and solving problems; (3) stimulate an awareness of an interest in the course topics beyond the level acquired by textbook reading. Because textbook material is generally beneath the level of the current state of knowledge, instructors acquaint the student with new ideas and integrate this material into the course topics.

Students are responsible for being aware of the proceedings and material covered in each class period. Students must attend all announced tests and submit assigned written work on the date set by the instructor; it is recommended that the instructor announce such tests and assignments at least a week in advance. The action taken as a consequence of missing a test or an assignment will be determined by the instructor and will be based on a consideration of the individual circumstances involved.

Regular and punctual class attendance is expected of each student at the University of Dayton. Class attendance may be used in computing final grades at the discretion of the instructor. This may be done for any course provided that the policy is approved by the department chairperson. If attendance is used as a grading component, the instructor is obligated to clarify his/her classroom policy regarding absences in writing in the syllabus provided at the beginning of the semester. Let it be noted that to insure accuracy of records, every student must be present at class during the first week of each term.

### Alternative 2

It is desirable for students to attend all classes. Listening to the lectures of instructors and being involved in classroom discussions should (1) provide guidelines and goals in the course of study, thus lending direction to the study



activities of the student; (2) provide instances of the way of thinking and methodology employed by an academic discipline in formulating and solving problems; (3) stimulate an awareness of an interest in the course topics beyond the level acquired by textbook reading. Because textbook material is generally beneath the level of the current state of knowledge, instructors acquaint the student with new ideas and integrate this material into the course topics.

Students are responsible for being aware of the proceedings and material covered in each class period. Students must attend all announced tests and submit assigned written work on the date set by the instructor; it is recommended that the instructor announce such tests and assignments at least a week in advance. The action taken as a consequence of missing a test or an assignment will be determined by the instructor and will be based on a consideration of the individual circumstances involved.

To assist freshmen in their transition to college responsibilities, it is felt that a policy of compulsory attendance is necessary. Therefore, freshmen will be permitted only a limited number of absences. For freshmen, the allowable number of absences in the first term or in the second term will be equal to twice the meeting three times a week (or four class days in any third-term session). A student exceeding this number will not be permitted to continue in the class unless presenting justifiable reasons for the absences to the Attendance Appeals Committee. Any student who has not accrued 30 semester hours of credit is considered a freshman.

In addition to the freshman policy, faculty may institute an attendance requirement. This may be done for any course provided that the policy is approved by the department chairperson. If attendance is used as a grading component, the instructor is obligated to clarify his/her classroom policy regarding absences in writing in the syllabus provided at the beginning of the semester. Let it be noted that to insure accuracy of records, every student must be present at class during the first week of each term.

Also included for your review is the current Attendance Policy. Your reaction and comments are requested concerning these alternatives.

# Current policy statement

## CLASS ATTENDANCE

It is desirable for students to attend all classes. Listening to the lectures of instructors and being involved in classroom discussions should (1) provide guidelines and goals in the course of study, thus lending direction to the study activities of the student; (2) provide instances of the way of thinking and methodology employed by an academic discipline in formulating and solving problems; (3) stimulate an awareness of an interest in the course topics beyond the levels acquired by textbook reading. Because textbook material is generally beneath the level of the current state of knowledge, instructors acquaint the student with new ideas and integrate this material into the course topics.

Policy For the above reasons, students are expected to attend all classes. Indeed, academic departments may authorize a legitimate attendance requirement for some courses (seminars, laboratories, performance courses, clinical field-based courses, and the like). If attendance or class participation is a component in determining the final grades in a course, the syllabus for the course must announce that fact and the relative weight of attendance or participation. It is felt that upperclassmen, i.e., sophomores, juniors, and seniors, can otherwise be relied upon to display sufficient maturity to assume the responsibilities of attending class. Let it be noted, however, that to insure the accuracy of records, every student must be present at classes during the first week of each term.

Students are responsible for being aware of the proceedings and material covered in each class period. Students must attend all announced tests and submit assigned written work on the date set by the instructor; it is recommended that the instructor announce such tests and assignments at least a week in advance. The action taken as a consequence of missing a test or an assignment will be determined by the instructor and will be based on a consideration of the individual circumstances involved.

To assist freshmen in their transition to college responsibilities, it is felt that a policy of compulsory attendance is necessary. Therefore, freshmen will be permitted only a limited number of absences. For freshmen, the allowable number of absences in the first term or in the second term will be equal to twice the number of class meetings per week, i.e., six absences for a class meeting three times a week (or four class days in any third-term session). A student exceeding this number will not be permitted to continue in the class unless presenting justifiable reasons for the absences to the Attendance Appeals Committee. Any student who has not accrued 30 semester hours of credit is considered a freshman.

The handling of tardiness is left to the discretion of the instructor.



PROPOSAL TO THE ACADEMIC SENATE

TITLE: Student Record Policy

SUBMITTED BY: Vice President for Student Development

DATE: June 6, 1986

Indicate the action required: Legislative, Concurrence, or Consultative, and refer to the appropriate reference in the Senate Constitution (Article IIB,1,2,3).

ACTION IS: Consultative REFERENCE Article II B,3

DESCRIPTION OF PROPOSAL: State objectives, rationale, and how proposal is to be implemented.

STUDENT RECORDS POLICY?FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

1. The committee is sensitive to the legal aspects of the policy statement and the detail thus required. However, attempts should be made to simplify and clarify the policy if possible.
2. Some members of the committee are philosophically opposed to including non-academic information on an academic transcript. While this opposition is not strong enough to withhold support, maintenance of separate records is preferred.





## *The University of Dayton*

May 6, 1986

Brother Joseph W. Stander, S.M.  
Vice President for Academic Affairs and Provost  
CAMPUS

Dear Brother Stander,

This memo is related to the one recently sent to you by me concerning our policy on student records in compliance with the Family Educational Rights and Privacy Act of 1974 as amended.

One of the proposed revisions in that memo would permit the University to refuse copies of educational records (including transcripts) to students involved in unresolved disciplinary situations:

In addition to that revision, I propose that the following additions/revisions be made to "academic regulations" as published in the University of Dayton Bulletin:

1. Disciplinary action of "suspension" or "dismissal" should become part of the student's permanent academic record and be noted on the academic transcript. An addition to the Bulletin on Page 49 or page 50 would read:

"Disciplinary records of students shall be maintained by the University's Office of Student Development for three years after the graduation of the student from the University at which time they will be destroyed. An exception will be made to this policy, however, in those instances where formal proceedings resulted in a student's disciplinary suspension or dismissal from the University. In such cases, notice of suspension or dismissal will become a permanent part of the student's academic record and will be listed on the academic transcript; the documents concerning the sanction will be maintained to substantiate the notation".

2. The disciplinary authority of the University to withhold the processing and/or awarding of academic credentials should be clearly articulated. An addition to the Bulletin would read:

"The continuance of each student upon the roles of the University, receipt of academic credits, graduation, and the conferring of any degree or release of academic transcripts are subject to the

Brother Joseph W. Stander, S.M.

May 6, 1986

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disciplinary powers of the University. The disciplinary authority of the University is vested in the President, and, subject to the reserve powers of the President, the Deans and University hearing boards."

I realize that these suggestions may be counter to a position the University has taken on the term "academic standing". Dan Palmert has sent me correspondence (attached) from the previous Registrar, Brother Paul Boeckerman, which, I assume, articulates the rationale for our present position.

I cannot agree with the rationale as presented in the memos from Brother Boeckerman. First of all, the FERPA statute on the privacy of student records says nothing about separation of academic records from nonacademic records. Secondly, while the recommendation of the American Association of Collegiate Registrars and Admissions Officers in their 1977 Guide may be appropriate for public institutions, it is a recommendation that I have always found contrary to the value laden and holistic educational philosophy of a Catholic private institution.

I would submit that our position on this matter should make a statement that acquiring an education at the University of Dayton is more than the mere accumulation of a number of "academic" credits. An institution whose mission and goals are based on values and ideals should be able, at its discretion, to withhold its imprimatur of "good" educational standing when serious violations of decency, civility, and respect for others are evidenced. Otherwise, we may find ourselves in the preposterous position of placing our educational seal of approval on a student who has been suspended or, indeed, disciplinarily dismissed for a serious act of violence, destruction of property or some other complete disregard for the standards of conduct established by this institution. My recommendations would, in fact, require substantive meaning to the term education of the whole person in that "good standing" would require that a student meet both the minimum academic standards and personal conduct standards embodied in the educational philosophy of the institution.

I would be most happy to discuss these recommendations with you and the academic deans if you feel that such a discussion is advisable.

Sincerely,

William C. Schuerman  
Vice President for Student Development  
and Dean of Students

WCS:hmd

Enclosures

## POLICY ON STUDENT RECORDS

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law which states that an educational institution must establish a written institutional policy concerning the confidentiality of student education records and that students must be notified of this statement of policy and their rights under the legislation. In accordance with the Act, students and parents of dependent students at the University of Dayton have the following rights:

1. The right to inspect and review educational records covered by the Act.
2. The right to challenge the contents of these records.
3. The right to a formal hearing, if necessary, for a fair consideration of such a challenge.
4. The right to place an explanatory note in the record in the event that a challenge of contents is unsuccessful.
5. The right to control, with certain exceptions, the disclosure of the contents of the records.
6. The right to be informed of the existence and availability of the institutional policy covering FERPA rights.
7. The right to report violations of FERPA legislation to the Department of Health, Education, and Welfare.

The University of Dayton maintains the following "education records" as defined by the Act:



<u>Record</u>	<u>Location</u>	<u>Custodian</u>	<u>Address</u>
Permanent academic record (Student Academic File, SAF)	Office of Registrar	Registrar	114 St. Mary's
Student master file (Student Information File, SIF)	Office of Registrar	Registrar	114 St. Mary's
Academic progress records	Office of Dean of College or School	Dean	A&S-112 O'Reilly Business-230 Miriam; Education-104 Chaminade; Engineering-201 Kettering Lab; School of Law-150 Albert Emanuel
Admission Records	Office of Dean of College or School	Dean	A&S-112 O'Reilly Business-230 Miriam; Education-104 Chaminade; Engineering-201 Kettering Lab; School of Law-150 Albert Emanuel
Disciplinary Records	Office of Dean of Students	Dean	Second Floor, Gosiger
Financial Aid Records	Office of Financial Aid	Director of Financial Aid	202 St. Mary's
Student Financial Records	Office of Bursar	Bursar	105 St. Mary's
Placement Records	Placement Office	Director of Career Placement	Jesse Philips Center
Health and Medical Records	Student Health Service	Director of Student Health	Ground Floor, Gosiger
Counseling and Guidance Testing Records	Counseling Center	Director of Counseling Center	First Floor, Gosiger



### Procedures for Inspection and Review

A student who wishes to inspect and review his/her education records may do so by submitting a written request to the official responsible for the specific record desired. The responsible official must respond within 45 days of the request by sending the student a copy of the requested record or arranging an appointment for the student to review the requested record.

Copies of education records or record entries, with certain exceptions, may be obtained by the student at the cost of fifty (50¢) cents per page. Copies of a student's permanent academic record (transcript) will be provided at the cost of two (\$2.00) dollars for the first copy and one (\$1.00) dollar for additional copies. The university reserves the right to deny copies of education records to students with unpaid financial obligations, unresolved disciplinary action, and unresolved litigation. The university also reserves the right to deny a copy of a transcript of an original source document which exists elsewhere.

The University of Dayton is not required to permit access to the following types of information:

1. Financial information submitted by parents.
2. Confidential letters of recommendation submitted prior to January 1, 1975.
3. Confidential letters and recommendations to which a student has waived their right of inspection.
4. Any part of a record pertaining to another student.
5. Information specifically excluded under the Act's definition of "education records".
  - a. Records of an instructional, supervisory, administrative, and

educational nature, maintained by a college official for their personal use only.

- b. Student employee records not related to student status.
- c. Alumni records.
- d. Student health, psychiatric, and counseling records maintained in connection with the treatment of the student.

General health data, information which is used by the university in making a decision regarding the student's status, is subject to review by the student under this policy. Written medical, psychiatric and psychological case notes which form the basis for diagnosis or for recommendation of treatment plans remain privileged information not accessible to the student. Such case notes are not considered to be part of the university's official education records. These records may be personally reviewed by a physician or other appropriate professional of the student's choosing.

- e. Records separately maintained by the university's Department of Security solely for law enforcement purposes.

The University of Dayton will not permit access to or release of any personally identifiable information without the written consent of the student except in the following circumstances:

- 1. A student's education records may be released without consent to officials within the University with "legitimate educational interest" in such information.

"School officials" are those University employees with general or specific responsibility for promoting the educational objectives of the University. Employees whose responsibilities place them within this category include: teachers; faculty advisors, admissions counselors; academic advisors, counselors; employment placement personnel; deans, department chairmen, directors, and other administrative officials responsible for some part of the academic enterprise or one of the supporting activities; administrative and faculty sponsors of officially recognized clubs and organizations; members, including students and alumni, of official university boards and committees; and clerical personnel employed to assist University officials in discharging professional responsibilities. Access by these officials is restricted where practical only to students for whom they have professional responsibility and only to that portion of the student record necessary for the discharge of assigned duties.

"Legitimate educational interests" are defined as those interests which are essential to the general process of higher education prescribed by the body of policy adopted by the governing board. Legitimate educational interests would include teaching, research, public service, and such directly supportive activities as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, and academic assistance activities. The University officially recognizes the legitimate educational interest of those involved in appropriate co-curricular activities which are generally supportive of overall goals of the institution and contribute generally to well-being of the entire student body and



specifically to many individuals who participate in these activities.

These activities include varsity and intramural sports, social fraternities and sororities, recognized student groups and organizations, and student government.

2. At its discretion, the University may provide "directory information" concerning an individual student in accordance with the provisions of the Act. This information includes: name, address, telephone number; date and place of birth; height and weight of members of athletic teams; major; participation in athletics and student activities; dates of attendance; degrees, awards and honors; and the most frequent institution attended. Directory information may be released unless a student specifically requests in writing that this information not be released. This request must be submitted in writing to the Registrar's office within five (5) days of the first day of classes of fall and winter terms and within two (2) days of the first day of class of each summer term.
3. The institution may also release personally identifiable information contained in a student's record to:
  - a. Officials of other institutions in which a student seeks to enroll.
  - b. To government officials seeking information in connection with the audit and evaluation of federal and state supported education programs.
  - c. To persons and organizations providing student financial aid.
  - d. To persons or organizations conducting research for the development of tests, administration of financial aid, or the improvement of instruction.
  - e. To accrediting agencies.
  - f. To parents of dependent students as defined by Internal Revenue Code of 1954.



5. To persons in an emergency in order to protect the health and safety of the student or of others.
- h. To persons in compliance with a judicial order or subpoena.

The University offices maintaining education records shall keep a record of all parties requesting or obtaining access to the contents of a student's record except in cases of requests by a student or parent of a dependent student for access to his/her own record; by school officials; by parties with specific written consent of the student; or by parties requesting directory information. This record of requests shall identify the legitimate interests the person(s) had in seeking or obtaining information contained in a record and may be available for inspection by the student identified by the record.

#### Procedures for Challenging the Contents of an Education Record

A student may challenge the contents of an education record which he/she considers to be inaccurate, misleading, or otherwise in violation of his/her privacy rights. A student shall initiate a challenge by submitting a written request to the custodian of the particular record in question who shall attempt to resolve the problem through informal discussions. If a challenge to a record is not satisfactorily resolved by this procedure, the student will be informed of his/her right to a formal hearing, the procedures to be followed concerning such a hearing and its composition. A student requesting a hearing will be notified in writing of the date, place and time of their hearing. At the hearing, the student may present evidence in support of his/her request and may be assisted by an advisor or attorney. Decisions of the hearing panel are final. If the decision of the hearing board is unsatisfactory to the student, he/she may place in the education records his/her own statement commenting

on the information contained in the record and setting forth any reason for disagreeing with the decision of the hearing panel.

A student may waive any of his/her FERPA rights including the release of his/her education records by providing written consent. Such consent must be signed and dated by the student and specify the record to be released and the exact purpose of the waiver or release.

Copies of this policy are available in the offices of the Registrar, the Dean of Students, Deans of the College and Schools, and the Office of the Provost. Students have the right to file a complaint with the United States Department of Education concerning alleged failures of the University to comply with the requirements of the Act.

UNIVERSITY OF DAYTON  
DAYTON, OHIO

ACADEMIC SENATE EXECUTIVE COMMITTEE  
March 5, 1987

St. Mary's Hall, Room 415                      20th Regular Meeting, 1986-87

PRESIDING: Bro. Joseph Stander, S.M., Provost

PRESENT: Bohlen, Doepker, Donnelly, Durkin, Fuchs, Joseph,  
Logan, Miner, Phillips

EXCUSED: Dickinson, Heft

ABSENT: Hary

1. Opening of the Meeting

The meeting opened at 7:45 a.m. with the recitation of the Lord's Prayer.

2. Roll Call

Ten senators were present.

3. Approval of the Minutes of the Meeting of 19 February 1987

Senator Doepker stated that the work on freshman data base material had not been completed. (Item 4a)

4. Reports from Standing Committees

- a) Academic Policies - no report
- b) Faculty Affairs - no report
- c) Student Academic Policies - Senator Durkin reported that the draft of the revised Attendance Policy will be available for the next senate meeting, the student election materials had been distributed, and the committee had reviewed the two documents to be submitted by Vice President Schuerman.

5. Report from General Education

Senator Phillips reported that preparations are being finalized for giving the COMP test next Thursday, 12 March to selected students and faculty. The test is a "dry run" to uncover any potential problems.

6. Follow-up on "Future Developments of Graduate Programs"

No additional information, or comments, were provided by faculty. The paper will be discussed at the PMC meeting 10 March.

7. Progress on Senate Evaluation

The first meeting of the Evaluation committee has been scheduled.

8. Agenda for the Full Senate Meeting

The following will tentatively be discussed at the 20 March meeting of the full Senate:

- a) Report of PMC/ECAS activities
- b) Report from General Education Committee
- c) Presentation of Student Records Policy/Family Educational Rights and Privacy Act
- d) Presentation of Discipline Regulations and Judicial System Document
- e) Presentation of Graduate Studies Paper
- f) Senate Evaluation progress report

9. New Business

Senators Joseph and Fuchs provided the committee with the Summary Proposal for the Establishment of a Ph.D. Program in Educational Leadership, Public and Catholic, at the University of Dayton. The document is to be reviewed by all senators but will be transmitted to the Academic Policies Committee for their review and comments as part of the Senate "concurrence" responsibilities.

The Executive Committee will meet again next week 12 March 7:45.

10. The meeting was adjourned at 8:20

Respectively submitted,



Prof. Norman S. Phillips